

# EXHIBIT 6

RECEIVED

MAY 14 2009

STAFFORD FREY COOPER R

THE HONORABLE JAMES L. ROBART

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11 **IN THE UNITED STATES DISTRICT COURT**  
12 **FOR THE WESTERN DISTRICT OF WASHINGTON**  
13

14 **BRENDAN DUNN, RYAN TOMPKINS, ) NO. 2:08-cv-00978JLR**  
15 **and RYAN TOMPKINS, ) PLAINTIFF RYAN TOMPKINS'S**  
16 **) RESPONSES TO SET ONE OF**  
17 **Plaintiffs, ) DISCOVERY REQUESTS FROM**  
18 **) DEFENDANT CITY OF SEATTLE**  
19 **v. )**  
20 **)**  
21 **MATTHEW HYRA, CITY OF )**  
22 **SEATTLE (SPD), et al., )**  
23 **)**  
24 **Defendants. )**  
25 **)**  
26

27 PROPOUNDING PARTY: DEFENDANT MARTIN

28 RESPONDING PARTY: PLAINTIFF RYAN TOMPKINS

29 SET NO.: 1  
30

31 **COMES NOW** PLAINTIFF RYAN TOMPKINS, IN THE ABOVE-NAMED  
32 ACTION, THROUGH HIS ATTORNEY LAWRENCE A. HILDES, AND, RESPONDS  
33 TO DEFENDANT MARTIN'S SET ONE OF DISCOVERY REQUESTS AS FOLLOWS:

34 Plaintiffs object to the extent that Defendants have exceeded the limits for this  
35 type of discovery, or have used subparts and definitions to facilitate exceeding the

**DUNN V. HYRA**-PLAINTIFF RYAN TOMPKINS's responses to SET ONE OF Discovery requests  
LAWRENCE A. HILDES (WSBA # 35035)  
P.O. Box 5405  
Bellingham, WA 98227  
Telephone: (360) 715-9788  
Fax: (360) 714-1791

ATTORNEY FOR PLAINTIFFS

1 limits by propounding the extreme number of 84 Requests for Admissions of this  
2 Plaintiff and even far more extreme numbers as to the other Plaintiffs and by piling  
3 massive and ridiculous numbers of sets of discovery requests and requests within  
4 those sets in order to render it impossible for Plaintiffs to fully respond .

5 Plaintiffs object to Defendants' use of discovery to vex, annoy, and abuse the  
6 legal process rather than for legitimate discovery purposes. Here, Defendants ask  
7 questions where the answers are either already contained in the document or require  
8 legal conclusions that themselves require advanced legal training. In many of these  
9 sets, Defendants have propounded interrogatories that included extensive subparts,  
10 totaling over the limit for interrogatories.

11 Finally, Plaintiffs object to counsel for Defendants deliberate propounding of  
12 these discovery requests while counsel for Plaintiffs was on vacation and during a  
13 period that counsel had filed a notice of unavailability for and then refusing to agree to  
14 an extension of time specifically to respond to these RFAs despite direct knowledge  
15 that counsel for Plaintiffs was away for several days of the period involved.

16 Discovery is ongoing, and Plaintiffs reserve the right to correct, amend,  
17 supplement or change their answers to this set of discovery as further information is  
18 revealed during the course of discovery.

19  
20 **RESPONSES TO DISCOVERY REQUESTS**  
21 **SET ONE OF DISCOVERY REQUESTS**

**V. INTERROGATORIES**

1  
2 1. Identify every person who participated in answering any of these interrogatories and/or  
3 requests for production, designating the interrogatory(ies) and/or request(s) for production in  
4 which he or she participated in answering.

5 **ANSWER:** My attorney, Lawrence A. Hildes.

6 2. In Paragraph 4.2 of the Complaint you state, "Defendants acted under color of state law  
7 to deprive Plaintiffs as alleged herein, of certain constitutionally protected rights including, but  
8 not limited to: (a) The right not to be deprived of liberty without due process of law ♦" As to  
9 each defendant, state every fact that supports, negates, or relates to this allegation as it relates to  
10 each such defendant's acts or omissions vis-à-vis Plaintiff TOMPKINS, identifying each  
11 person and document that you believe has information that assists in establishing each such  
12 fact.

13 **ANSWER:** PLAINTIFF objects to this interrogatory as actually constituting 9  
14 interrogatories, which combined with the other interrogatories far exceeds the limit as  
15 to interrogatories. Plaintiff will, therefore, answer as to this Defendant alone. Plaintiff  
16 answers as follows: Defendant Martin advised Defendant Hyra to proceed in accosting  
17 Plaintiffs without cause or justification, simply because of their perceived political  
18 ideology and affiliations. He and Defendant Towne directed Hyra, Bale, and the other  
19 named Defendant Officers in carrying out their illegal and tortious conduct, and then  
20 lied about his observations and signed off on statements that he knew to be false as

1 to the supposed conduct of Plaintiffs and the , directly leading the to harm that  
 2 occurred to Plaintiffs; in addition, Martin then signed off on the reports, knowing they  
 3 were false, and made the decision to hold Plaintiff TOMPKINS, despite the fact that  
 4 there was no lawful activity by Hyra and the other defendants to obstruct, and forward  
 5 that charge to the prosecutor, knowing that Plaintiff Dunn had not assaulted Hyra or  
 6 anyone else. Thus Plaintiff TOMPKINS was held at the police station and the jail,  
 7 without his rights being respected or followed.

8 3. In Paragraph 4.2 of the Complaint you state, "Defendants acted under color of state law  
 9 to deprive Plaintiffs as alleged herein, of certain constitutionally protected rights including, but  
 10 not limited to: ♦(b)) The right to be free from invasion or interference with Plaintiffs' zone of  
 11 privacy ♦" As to each defendant, state every fact that supports, negates, or relates to this  
 12 allegation as it relates to each such defendant's acts or omissions vis-à-vis Plaintiff  
 13 TOMPKINS, identifying each person and document that you believe has information that  
 14 assists in establishing each such fact.

15 **ANSWER: PLAINTIFF** objects to this interrogatory as actually constituting 9  
 16 interrogatories, which combined with the other interrogatories far exceeds the limit as  
 17 to interrogatories. Plaintiff will, therefore, answer as to this Defendant alone. Plaintiff  
 18 answers as follows: Defendant Martin advised Defendant Hyra to proceed in accosting  
 19 Plaintiffs without cause or justification, simply because of their perceived political  
 20 ideology and affiliations. He and Defendant Towne directed Hyra, Bale, and the other

1 named Defendant Officers in carrying out their illegal and tortious conduct, and then  
 2 lied about his observations and signed off on statements that he knew to be false as  
 3 to the supposed conduct of Plaintiffs, directly leading the to harm that occurred to  
 4 Plaintiffs; in addition, Martin then signed off on the reports, knowing they were false,  
 5 and made the decision to hold Plaintiff TOMPKINS, despite the fact that there was no  
 6 lawful activity by Hyra and the other defendants to obstruct, and forward that charge to  
 7 the prosecutor, knowing that Plaintiff TOMPKINS had not interfered with any lawful  
 8 actions by Defendant Hyra or anyone else. Thus Plaintiff TOMPKINS was held at the  
 9 police station and the jail, without his rights being respected or followed.

10 Plaintiff TOMPKINS, was violently seized by, among other officers, Sgt. Martin,  
 11 who used that force, unjustified, as TOMPKINS had violated no law and was merely  
 12 seeking to take a picture of Hyra's illegal conduct when Hyra rode into him, injured him  
 13 and then grabbed him, to arrest him and drag him away all of this violating Plaintiff's  
 14 zone of privacy.

15  
 16 4. In Paragraph 4.2 of the Complaint you state, "Defendants acted under color of state law  
 17 to deprive Plaintiffs as alleged herein, of certain constitutionally protected rights including, but  
 18 not limited to: ♦(c) The right to equal protection of the law♦" As to each defendant, state  
 19 every fact that supports, negates, or relates to this allegation as it relates to each such

1 defendant's acts or omissions vis-à-vis Plaintiff TOMPKINS, identifying each person and  
2 document that you believe has information that assists in establishing each such fact.

3 **ANSWER:** Plaintiff answers as follows: Defendant Martin advised Defendant Hyra to  
4 proceed in accosting Plaintiffs without cause or justification, simply because of their  
5 perceived political ideology and affiliations. He and Defendant Towne directed Hyra,  
6 Bale, and the other named Defendant Officers in carrying out their illegal and tortious  
7 conduct, and then lied about his observations and signed off on statements that he  
8 knew to be false as to the supposed conduct of Plaintiffs, directly leading the to harm  
9 that occurred to Plaintiffs; in addition, Martin then signed off on the reports, knowing  
10 they were false, and made the decision to hold Plaintiff TOMPKINS, despite the fact  
11 that there was no lawful activity by Hyra and the other defendants to obstruct, and  
12 forward that charge to the prosecutor, knowing that Plaintiff TOMPKINS had not  
13 interfered with any lawful actions by Defendant Hyra or anyone else. Thus Plaintiff  
14 TOMPKINS was held at the police station and the jail, without his rights being,  
15 respected or followed.

16 Defendant Martin participated in the arrest of Plaintiff TOMPKINS knowing that  
17 Plaintiff TOMPKINS had not interfered with any lawful actions by Defendant Hyra or  
18 anyone else. Plaintiffs were singled out for discriminatory law enforcement, not based  
19 on any criminal activity, which they committed none of, but based on their perceived  
20 political views and affiliations, violating their First Amendment Rights to Freedom of  
21 Speech and Association.

1

2 5. In Paragraph 4.2 of the Complaint you state, "Defendants acted under color of state law  
 3 to deprive Plaintiffs as alleged herein, of certain constitutionally protected rights including, but  
 4 not limited to: ♦(d) The riight to be free from unreasonable search and seizure ♦♦" As to  
 5 each defendant, state every fact that supports, negates, or relates to this allegation as it relates to  
 6 each such defendant's acts or omissions vis-à-vis Plaintiff TOMPKINS, identifying each  
 7 person and document that you believe has information that assists in establishing each such  
 8 fact.

9 **ANSWER:** Plaintiff answers as follows: Defendant Martin advised Defendant Hyra to  
 10 proceed in accosting Plaintiffs without cause or justification, simply because of their  
 11 perceived political ideology and affiliations. He and Defendant Towne directed Hyra,  
 12 Bale, and the other named Defendant Officers in carrying out their illegal and tortious  
 13 conduct, and then lied about his observations and signed off on statements that he  
 14 knew to be false as to the supposed conduct of Plaintiffs, directly leading the to harm  
 15 that occurred to Plaintiffs; in addition, Martin then signed off on the reports, knowing  
 16 they were false, and made the decision to hold Plaintiff TOMPKINS, despite the fact  
 17 that there was no lawful activity by Hyra and the other defendants to obstruct, and  
 18 forward that charge to the prosecutor, knowing that Plaintiff TOMPKINS had not  
 19 interfered with any lawful actions by Defendant Hyra or anyone else. Thus Plaintiff



1 TOMPKINS was held at the police station and the jail, without his rights being  
2 respected or followed.

3 Plaintiff TOMPKINS, was violently seized by, among other officers, Sgt. Martin,  
4 who used that force, unjustified, as TOMPKINS had violated no law and was merely  
5 seeking to take a picture of Hyra's illegal conduct when Hyra rode into him, injured him  
6 and then grabbed him, to arrest him and drag him away all of this violating Plaintiff's  
7 zone of privacy.

8  
9 6. In Paragraph 4.2 of the Complaint you state, "Defendants acted under color of state law  
10 to deprive Plaintiffs as alleged herein, of certain constitutionally protected rights including, but  
11 not limited to: ♦(e) TThe right to be free from police use of excessive force..." As to each  
12 defendant, state every fact that supports, negates, or relates to this allegation as it relates to each  
13 such defendant's acts or omissions vis-à-vis Plaintiff TOMPKINS, identifying each person and  
14 document that you believe has information that assists in establishing each such fact.

15 **ANSWER:** Plaintiff answers as follows: Defendant Martin advised Defendant Hyra to  
16 proceed in accosting Plaintiffs without cause or justification, simply because of their  
17 perceived political ideology and affiliations. He and Defendant Towne directed Hyra,  
18 Bale, and the other named Defendant Officers in carrying out their illegal and tortious  
19 conduct, and then lied about his observations and signed off on statements that he  
20 knew to be false as to the supposed conduct of Plaintiffs, directly leading the to harm

1 that occurred to Plaintiffs; in addition, Martin then signed off on the reports, knowing  
 2 they were false, and made the decision to hold Plaintiff TOMPKINS, despite the fact  
 3 that there was no lawful activity by Hyra and the other defendants to obstruct, and  
 4 forward that charge to the prosecutor, knowing that Plaintiff TOMPKINS had not  
 5 interfered with any lawful actions by Defendant Hyra or anyone else. Thus Plaintiff  
 6 TOMPKINS was held at the police station and the jail, without his rights being  
 7 respected or followed.

8 Plaintiff TOMPKINS, was violently seized by, among other officers, Sgt. Martin,  
 9 who used that force, unjustified, as TOMPKINS had violated no law and was merely  
 10 seeking to take a picture of Hyra's illegal conduct when Hyra rode into him, injured him  
 11 and then grabbed him, to arrest him and drag him away.

12

13 7. In Paragraph 4.2 of the Complaint you state, "Defendants acted under color of state law  
 14 to deprive Plaintiffs as alleged herein, of certain constitutionally protected rights including, but  
 15 not limited to: ♦(f) The right to be free from discriminatory law enforcement♦" As to each  
 16 defendant, state every fact that supports, negates, or relates to this allegation as it relates to each  
 17 such defendant's acts or omissions vis-à-vis Plaintiff TOMPKINS, identifying each person and  
 18 document that you believe has information that assists in establishing each such fact.

19 **ANSWER:** Plaintiff answers as follows: Defendant Martin advised Defendant Hyra to  
 20 proceed in accosting Plaintiffs without cause or justification, simply because of their

1 perceived political ideology and affiliations. He and Defendant Towne directed Hyra,  
2 Bale, and the other named Defendant Officers in carrying out their illegal and tortious  
3 conduct, and then lied about his observations and signed off on statements that he  
4 knew to be false as to the supposed conduct of Plaintiffs, directly leading the to harm  
5 that occurred to Plaintiffs; in addition, Martin then signed off on the reports, knowing  
6 they were false, and made the decision to hold Plaintiff TOMPKINS, despite the fact  
7 that there was no lawful activity by Hyra and the other defendants to obstruct, and  
8 forward that charge to the prosecutor, knowing that Plaintiff TOMPKINS had not  
9 interfered with any lawful actions by Defendant Hyra or anyone else. Thus Plaintiff  
10 TOMPKINS was held at the police station and the jail, without his rights being  
11 respected or followed.

12 Defendant Martin participated in the arrest of Plaintiff TOMPKINS knowing that  
13 Plaintiff TOMPKINS had not interfered with any lawful actions by Defendant Hyra or  
14 anyone else. Plaintiffs were singled out for discriminatory law enforcement, not based  
15 on any criminal activity, which they committed none of, but based on their perceived  
16 political views and affiliations, violating their First Amendment Rights to Freedom of  
17 Speech and Association.

18  
19 8. In Paragraph 4.2 of the Complaint you state, "Defendants acted under color of state law  
20 to deprive Plaintiffs as alleged herein, of certain constitutionally protected rights including, but

1 not limited to: ♦(g) The right to be free from cruel and unusual punishment...” As to each  
2 defendant, state every fact that supports, negates, or relates to this allegation as it relates to each  
3 such defendant’s acts or omissions vis-à-vis Plaintiff TOMPKINS, identifying each person and  
4 document that you believe has information that assists in establishing each such fact.

5       **ANSWER:** Plaintiff answers as follows: Defendant Martin advised Defendant  
6 Hyra to proceed in accosting Plaintiffs without cause or justification, simply because of  
7 their perceived political ideology and affiliations. He and Defendant Towne directed  
8 Hyra, Bale, and the other named Defendant Officers in carrying out their illegal and  
9 tortious conduct, and then lied about his observations and signed off on statements  
10 that he knew to be false as to the supposed conduct of Plaintiffs, directly leading the  
11 to harm that occurred to Plaintiffs; in addition, Martin then signed off on the reports,  
12 knowing they were false, and made the decision to hold Plaintiff TOMPKINS, despite  
13 the fact that there was no lawful activity by Hyra and the other defendants to obstruct,  
14 and forward that charge to the prosecutor, knowing that Plaintiff TOMPKINS had not  
15 interfered with any lawful actions by Defendant Hyra or anyone else. Thus Plaintiff  
16 TOMPKINS was held at the police station and the jail, without his rights being  
17 respected or followed.

18       Defendant Martin participated in the arrest of Plaintiff TOMPKINS knowing that  
19 Plaintiff TOMPKINS had not interfered with any lawful actions by Defendant Hyra or  
20 anyone else. Plaintiffs were singled out for discriminatory law enforcement, not based

1 on any criminal activity, which they committed none of, but based on their perceived  
2 political views and affiliations, violating their First Amendment Rights to Freedom of  
3 Speech and Association.

4 This constituted an act by Defendants to inflict punishment on Plaintiffs without  
5 benefit of a trial, or any adjudication, despite clear knowledge that Plaintiff had  
6 violated no law. Because of the extremity of Defendants' actions and the lack of  
7 wrong-doing on the part of Plaintiffs, Martin's activity and that of the other Defendants  
8 constitutes cruel and unusual punishment.

9 9. In Paragraph 4.2 of the Complaint you state, "Defendants acted under color of state law  
10 to deprive Plaintiffs as alleged herein, of certain constitutionally protected rights including, but  
11 not limited to:...(h) The Rights to participate in a peaceful and lawful First Amendment  
12 exercise, to Freely Express his political views, to Petition the Government for Redress of  
13 Grievances, to Freely Associate with and Assemble with others to do so without fear of  
14 wrongful arrest for doing so♦" As to each defendant, state every fact that supports, negates, or  
15 relates to this allegation as it relates to each such defendant's acts or omissions vis-à-vis  
16 Plaintiff TOMPKINS, identifying each person and document that you believe has information  
17 that assists in establishing each such fact.

18 **ANSWER** Plaintiff answers as follows: Defendant Martin advised Defendant Hyra to  
19 proceed in accosting Plaintiffs without cause or justification, simply because of their  
20 perceived political ideology and affiliations. He and Defendant Towne directed Hyra,

1 Bale, and the other named Defendant Officers in carrying out their illegal and tortious  
 2 conduct, and then lied about his observations and signed off on statements that he  
 3 knew to be false as to the supposed conduct of Plaintiffs, directly leading the to harm  
 4 that occurred to Plaintiffs; in addition, Martin then signed off on the reports, knowing  
 5 they were false, and made the decision to hold Plaintiff TOMPKINS, despite the fact  
 6 that there was no lawful activity by Hyra and the other defendants to obstruct, and  
 7 forward that charge to the prosecutor, knowing that Plaintiff TOMPKINS had not  
 8 interfered with any lawful actions by Defendant Hyra or anyone else. Thus Plaintiff  
 9 TOMPKINS was held at the police station and the jail, without his rights being  
 10 respected or followed.

11 Plaintiffs were singled out for discriminatory law enforcement, not based on  
 12 any criminal activity, which they committed none of, but based on their perceived  
 13 political views and affiliations, violating their First Amendment Rights to Freedom of  
 14 Speech and Association. This prevented Plaintiffs from participated in the planned  
 15 and permitted march, wherein they would be able to carry out their First Amendment  
 16 rights to free speech, expression, and to petition the government for redress of  
 17 grievances, because the involved officers did not like their perceived politics and the  
 18 symbols related thereto,

19

20 10. In Paragraph 4.2 of the Complaint you state, "Defendants acted under color of state law  
 21 to deprive Plaintiffs as alleged herein, of certain constitutionally protected rights including, but

not limited to: (i) The right to be free from False Arrest, False Imprisonment, and Malicious Prosecution, all in violation of [Plaintiffs'] Fourth and Fifth Amendment Rights." As to each defendant, state every fact that supports, negates, or relates to this allegation as it relates to each such defendant's acts or omissions vis-à-vis Plaintiff TOMPKINS, identifying each person and document that you believe has information that assists in establishing each such fact.

**ANSWER:** See responses to Interrogatories 1-9 as to Sgt. Martin. In addition, by writing, signing off on and sending false reports as to activities that Plaintiff had not engaged in, Sgt. Martin caused Plaintiff TOMPKINS to be prosecuted, despite his having committed no crime, terminated months later when the court dismissed for lack of probable cause.

11. In Paragraph 4.3 of the Complaint you state, "Defendants acted by provocative conduct (i)." As to each defendant, state every fact that supports, negates, or relates to this allegation as it relates to each such defendant's acts or omissions vis-à-vis Plaintiff TOMPKINS, identifying each person and document that you believe has information that assists in establishing each such fact.

**ANSWER:** See responses to Interrogatories 1-10. All of this conduct was designed to provoke a response to justify the arrests, when it didn't do so, they arrested Plaintiffs anyway.



1 12. In Paragraph 4.3 of the Complaint you state, “Defendants acted by [♦] conversion of  
2 lawful property ♦.” As to each defendant, state every fact that supports, negates, or relates to  
3 this allegation as it relates to each such defendant’s acts or omissions vis-à-vis Plaintiff  
4 TOMPKINS, identifying each person and document that you believe has information that  
5 assists in establishing each such fact.

6 **ANSWER:** Plaintiff was lawfully possessed a flag that belonged to Plaintiff Dunn, a  
7 First Amendment protected symbol. Martin acted to justify and enforce Hyra’s illegal  
8 conversion of that flag, which continues to this day.

9 13. In Paragraph 4.3 of the Complaint you state, “Defendants acted by [♦] verbal threat and  
10 intimidation ♦.” As to each defendant, state every fact that supports, negates, or relates to this  
11 allegation as it relates to each such defendant’s acts or omissions vis-à-vis Plaintiff  
12 TOMPKINS, identifying each person and document that you believe has information that  
13 assists in establishing each such fact.

14 **ANSWER: See responses to Interrogatory 1-12.**

15 14. In Paragraph 4.3 of the Complaint you state, “Defendants acted by [♦] use of force  
16 ♦.”<♦♦ As to each defendant, state every fact that supports, negates, or relates to this  
17 allegation as it relates to each such defendant’s acts or omissions vis-à-vis Plaintiff



1 TOMPKINS, identifying each person and document that you believe has information that  
2 assists in establishing each such fact.

3 **ANSWER:** Plaintiff answers as follows: Defendant Martin advised Defendant Hyra to  
4 proceed in accosting Plaintiffs without cause or justification, simply because of their  
5 perceived political ideology and affiliations. He and Defendant Towne directed Hyra,  
6 Bale, and the other named Defendant Officers in carrying out their illegal and tortious  
7 conduct, and then lied about his observations and signed off on statements that he  
8 knew to be false as to the supposed conduct of Plaintiffs, directly leading the to harm  
9 that occurred to Plaintiffs; in addition, Martin then signed off on the reports, knowing  
10 they were false, and made the decision to hold Plaintiff TOMPKINS, despite the fact  
11 that there was no lawful activity by Hyra and the other defendants to obstruct, and  
12 forward that charge to the prosecutor, knowing that Plaintiff TOMPKINS had not  
13 interfered with any lawful actions by Defendant Hyra or anyone else. Thus Plaintiff  
14 TOMPKINS was held at the police station and the jail, without his rights being  
15 respected or followed.

16 Plaintiff TOMPKINS, was violently seized by, among other officers, Sgt. Martin, who  
17 used that force, unjustified as TOMPKINS had violated no law, to arrest him and drag  
18 him away.

19

1 15. In Paragraph 4.3 of the Complaint you state, “Defendants acted by [♦] unjustified arrest  
2 ♦.” As to each defendant, state every fact that supports, negates, or relates to this allegation as  
3 it relates to each such defendant’s acts or omissions vis-à-vis Plaintiff TOMPKINS, identifying  
4 each person and document that you believe has information that assists in establishing each  
5 such fact.

6 **ANSWER:** See responses to Interrogatories 1-14

7 16. In Paragraph 4.3 of the Complaint you state, “Defendants acted by [♦] false  
8 imprisonment ♦.”&nbsp;As to each defendant, state every fact that supports, negates, or  
9 relates to this allegation as it relates to each such defendant’s acts or omissions vis-à-vis  
10 Plaintiff TOMPKINS, identifying each person and document that you believe has information  
11 that assists in establishing each such fact.

12 **ANSWER:** PLAINTIFF objects to this interrogatory as actually constituting 9  
13 interrogatories, which combined with the other interrogatories far exceeds the limit as  
14 to interrogatories. Plaintiff will, therefore, answer as to this Defendant alone. Plaintiff  
15 answers as follows Plaintiff answers as follows: Defendant Martin advised Defendant  
16 Hyra to proceed in accosting Plaintiffs without cause or justification, simply because of  
17 their perceived political ideology and affiliations. He and Defendant Towne directed  
18 Hyra, Bale, and the other named Defendant Officers in carrying out their illegal and  
19 tortious conduct, and then lied about his observations and signed off on statements

1 that he knew to be false as to the supposed conduct of Plaintiffs, directly leading the  
2 to harm that occurred to Plaintiffs; in addition, Martin then signed off on the reports,  
3 knowing they were false, and made the decision to hold Plaintiff TOMPKINS, despite  
4 the fact that there was no lawful activity by Hyra and the other defendants to obstruct,  
5 and forward that charge to the prosecutor, knowing that Plaintiff TOMPKINS had not  
6 interfered with any lawful actions by Defendant Hyra or anyone else. Thus Plaintiff  
7 TOMPKINS was held at the police station and the jail, without his rights being  
8 respected or followed.

9 Plaintiff TOMPKINS, was violently seized by, among other officers, Sgt. Martin, who  
10 used that force, unjustified as TOMPKINS had violated no law, to arrest him and drag  
11 him away.

12

13

14 17. In Paragraph 4.3 of the Complaint you state, "Defendants acted by [♦] ratifying  
15 personally tthe above listed conducts ♦." As to each defendant, state every fact that supports,  
16 negates, or relates to this allegation as it relates to each such defendant's acts or omissions vis-  
17 à-vis Plaintiff TOMPKINS, identifying each person and document that you believe has  
18 information that assists in establishing each such fact.

19 **ANSWER: SEE REPOSNES TO INTERROGATORIES 1-16.**

1 18. In Paragraph 4.3 of the Complaint you state, “Defendants acted by [♦] cruel and  
 2 unusual punishment ♦.”&nbsp;As to each defendant, state every fact that supports, negates,  
 3 or relates to this allegation as it relates to each such defendant’s acts or omissions vis-à-vis  
 4 Plaintiff TOMPKINS, identifying each person and document that you believe has information  
 5 that assists in establishing each such fact.

6 **ANSWER:** Plaintiff answers as follows: Defendant Martin advised Defendant  
 7 Hyra to proceed in accosting Plaintiffs without cause or justification, simply because of  
 8 their perceived political ideology and affiliations. He and Defendant Towne directed  
 9 Hyra, Bale, and the other named Defendant Officers in carrying out their illegal and  
 10 tortious conduct, and then lied about his observations and signed off on statements  
 11 that he knew to be false as to the supposed conduct of Plaintiffs, directly leading the  
 12 to harm that occurred to Plaintiffs; in addition, Martin then signed off on the reports,  
 13 knowing they were false, and made the decision to hold Plaintiff TOMPKINS, despite  
 14 the fact that there was no lawful activity by Hyra and the other defendants to obstruct,  
 15 and forward that charge to the prosecutor, knowing that Plaintiff TOMPKINS had not  
 16 interfered with any lawful actions by Defendant Hyra or anyone else. Thus Plaintiff  
 17 TOMPKINS was held at the police station and the jail, without his rights being  
 18 respected or followed.

19 Defendant Martin participated in the arrest of Plaintiff TOMPKINS knowing that  
 20 Plaintiff TOMPKINS had not interfered with any lawful actions by Defendant Hyra or

1 anyone else. Plaintiffs were singled out for discriminatory law enforcement, not based  
2 on any criminal activity, which they committed none of, but based on their perceived  
3 political views and affiliations, violating their First Amendment Rights to Freedom of  
4 Speech and Association.

5 This constituted an act by Defendants to inflict punishment on Plaintiffs without  
6 benefit of a trial, or any adjudication, despite clear knowledge that Plaintiff had  
7 violated no law. Because of the extremity of Defendants' actions and the lack of  
8 wrong-doing on the part of Plaintiffs, Martin's activity and that of the other Defendants  
9 constitutes cruel and unusual punishment.

10  
11 19. In Paragraph 4.4 of the Complaint you state, "[b]y knowingly providing false  
12 information to the prosecutors to ensure that Plaintiffs were prosecuted ♦." AAs to each  
13 defendant, state every fact that supports, negates, or relates to your allegation that false  
14 information was provided to the prosecutor to ensure prosecution, identifying each person and  
15 document that you believe has information that assists in establishing each such fact.

16 **ANSWER:** See responses to Interrogatories 1-8 as to Sgt,. Martin. In addition,  
17 by writing, signing off on and sending false reports as to activities that Plaintiff had not  
18 engaged in, Sgt. Martin caused Plaintiff TOMPKINS to be prosecuted, despite his  
19 having committed no crime, terminated many moths later when the court dismissed  
20 the case for lack of probable cause based on the illegality of the Officers' conduct.

20. In Paragraph 2.24 (page 13, ll. 1-2) of the Complaint, you state that “These actions were ratified by supervising Defendants MARTIN, HAYES, and TOWNES.” State every fact that supports, negates, or relates to this allegation as it relates to Sgt. Martin’s actions with respect to Plaintiff TOMPKINS, identifying each person and document that you believe has information that assists in establishing each such fact.

**ANSWER:** Plaintiff answers as follows: Defendant Martin advised Defendant Hyra to proceed in accosting Plaintiffs without cause or justification, simply because of their perceived political ideology and affiliations. He and Defendant Towne directed Hyra, Bale, and the other named Defendant Officers in carrying out their illegal and tortious conduct, and then lied about his observations and signed off on statements that he knew to be false as to the supposed conduct of Plaintiffs, directly leading the to harm that occurred to Plaintiffs; in addition, Martin then signed off on the reports, knowing they were false, and made the decision to hold Plaintiff TOMPKINS, despite the fact that there was no lawful activity by Hyra and the other defendants to obstruct, and forward that charge to the prosecutor, knowing that Plaintiff TOMPKINS had not interfered with any lawful actions by Defendant Hyra or anyone else. Thus Plaintiff TOMPKINS was held at the police station and the jail, without his rights being respected or followed.

Defendant Martin participated in the arrest of Plaintiff TOMPKINS knowing that Plaintiff TOMPKINS had not interfered with any lawful actions by Defendant Hyra or anyone else. Plaintiffs were singled out for discriminatory law enforcement, not based

1 on any criminal activity, which they committed none of, but based on their perceived  
2 political views and affiliations, violating their First Amendment Rights to Freedom of  
3 Speech and Association.

4 This constituted an act by Defendants to inflict punishment on Plaintiffs without  
5 benefit of a trial, or any adjudication, despite clear knowledge that Plaintiff had  
6 violated no law. Because of the extremity of Defendants' actions and the lack of  
7 wrong-doing on the part of Plaintiffs, Martin's activity and that of the other Defendants  
8 constitutes cruel and unusual punishment.

9 See police reports and dismissal order by Judge Hightower.

10  
11 21.State all claims asserted by Plaintiff TOMPKINS against Sgt. Martin, and, as to  
12 each, set forth each and every fact that supports, negates, or relates to such claim.

13 ANSWER: SEE RESPONSES TO INTERROGATORIES 1-20. Violation of  
14 Constitutional Rights under color of authority and all common law torts alleged.

15  
16 22. Below you will find requests for production. For each document that is responsive to  
17 the requests for production which you either produced in redacted form or did not produce at  
18 all, identify the document and the basis for the redaction or failure to produce it.

19 ANSWER: Plaintiff will produce all relevant documents.

20 **VI. REQUESTS FOR PRODUCTION**

21 1. Produce any document identified in any of the answers to the preceding interrogatories.

**DUNN V. HYRA**-PLAINTIFF RYAN TOMPKINS's responses to SET ONE OF Discovery requests  
LAWRENCE A. HILDES (WSBA # 35035)  
P.O. Box 5405  
Bellingham, WA 98227  
Telephone: (360) 715-9788  
Fax: (360) 714-1791

ATTORNEY FOR PLAINTIFFS

**RESPONSE: PLAINTIFF WILL PRODUCE ALL SUCH DOCUMENTS**

2. Produce a copy of any document you reviewed in answering any of the preceding interrogatories and/or preceding or subsequent requests for production irrespective of whether you obtained any part of your answer or response from that document.

**RESPONSE: PLAINTIFF WILL PRODUCE ALL SUCH DOCUMENTS**

3. Produce all documents that you contend support, or lend support to, any of your responses to the above interrogatories.

**RESPONSE: PLAINTIFF WILL PRODUCE ALL SUCH DOCUMENTS**

4. Produce all documents that you contend support, negate, or relate to the claims asserted by Plaintiff TOMPKINS against Sgt. Martin.

**RESPONSE: PLAINTIFF WILL PRODUCE ALL SUCH DOCUMENTS**

**VERIFICATION**

I, RYAN TOMPKINS, certify and declare under penalty of perjury under the laws of the State of Washington and the United States that I am a Plaintiff in this action, and that I have read the answers to the foregoing interrogatories and requests for production and the answers thereto, know the contents thereof, and believe all the answers to be true.

SIGNED at \_\_\_\_\_, \_\_\_\_\_, on this \_\_\_\_\_ day of

\_\_\_\_\_, 2009.

\_\_\_\_\_  
RYAN TOMPKINS




**ATTORNEY'S CR 26 CERTIFICATION**

The undersigned attorney certifies, pursuant to Civil Rule 26(g), that he has read each response and objection to these discovery requests, and that, to the best of his knowledge, information, and belief formed after a reasonable inquiry, each is: (1) consistent with the Federal Rules of Civil Procedure and warranted by existing law or a good-faith argument for the extension, modification, or reversal of existing law; (2) not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the costs of litigation; and (3) not unreasonably or unduly burdensome or expensive, given the needs of the case, the discovery already had in the case, the amount in controversy, and the importance of the issues at stake in the litigation.

RESPONSES dated this 12<sup>th</sup> day of May, 2009 at Bellingham,

Washington.

  
 \_\_\_\_\_  
 Lawrence A. Hildes, WSBA #35035  
 Attorney for Plaintiffs

**PROOF OF SERVICE**

Lawrence A. Hildes certifies as follows:

I am over the age of 18 years, and not a party to this action. I am a citizen of the United States.

My business address is P.O. Box 5405, Bellingham, WA 98227

On April 6, 2009, I served the following documents(s) described as follows

PLAINTIFF'S RESPONSES TO SET ONE OF RFAs from All Defendants  
on the following persons(s) in this action at the following addresses:

HEATHER CARR  
STAFFORD FRYE COOPER  
601 Union Street, Suite 3100  
Seattle WA 98101.1374

☒ (BY FIRST CLASS MAIL) by placing a true copy of the above documents in a sealed envelope with postage fully prepaid in the mail at Bellingham, WA, addressed to the person(s) above at the above address

☐ By electronically serving, by filing an electronic copy with the court in such a way that notice will be sent to counsel for Defendant

☒ (FEDERAL) I declare under penalty of perjury that I am a member of the BAR of this court, and that the above information is true and correct.

Executed on May 12, 2009, at Bellingham, Washington.

  
LAWRENCE A. HILDES

# EXHIBIT 7

THE HONORABLE JAMES L. ROBERT

RECEIVED

MAY 28 2009

STAFFORD FREY COOPER

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON

<b>BRENDAN DUNN, JACOB ERWIN,</b>	)	<b>NO. 2:08-cv-00978JLR</b>
<b>and RYAN TOMPKINS,</b>	)	<b>PLAINTIFF BRENDAN DUNN'S</b>
	)	<b>RESPONSES TO SET ONE OF</b>
<b>Plaintiffs,</b>	)	<b>DISCOVERY REQUESTS FROM</b>
	)	<b>DEFENDANT TOWNE</b>
<b>v.</b>	)	
	)	
<b>MATTHEW HYRA, CITY OF</b>	)	
<b>SEATTLE (SPD), et al.,</b>	)	
	)	
<b>Defendants.</b>	)	
_____	)	

PROPOUNDING PARTY: DEFENDANT TOWNE

RESPONDING PARTY: PLAINTIFF BRENDAN DUNN

SET NO.: 1

**COMES NOW** PLAINTIFF BRENDAN DUNN, IN THE ABOVE-NAMED  
ACTION, THROUGH HIS ATTORNEY LAWRENCE A. HILDES, AND, RESPONDS  
TO DEFENDANT TOWNE'S SET ONE OF DISCOVERY REQUESTS AS FOLLOWS:

**DUNN V. HYRA**-PLAINTIFF Brendan Dunn's Responses to SET 1 of Discovery Requests from Defendant  
Towne  
LAWRENCE A. HILDES (WSBA # 35035)  
P.O. Box 5405  
Bellingham, WA 98227  
Telephone: (360) 715-9788  
Fax: (360) 714-1791

ATTORNEY FOR PLAINTIFFS

1           Plaintiffs object to the extent that Defendants have exceeded the limits for this  
2 type of discovery, or have used subparts and definitions to facilitate exceeding the  
3 limits by propounding the extreme number of 84 Requests for Admissions of this  
4 Plaintiff and even far more extreme numbers as to the other Plaintiffs and by piling  
5 massive and ridiculous numbers of sets of discovery requests and requests within  
6 those sets in order to render it impossible for Plaintiffs to fully respond .

7           Plaintiffs object to Defendants' use of discovery to vex, annoy, and abuse the  
8 legal process rather than for legitimate discovery purposes. Here, Defendants ask  
9 questions where the answers are either already contained in the document or require  
10 legal conclusions that themselves require advanced legal training. In many of these  
11 sets, Defendants have propounded interrogatories that included extensive subparts,  
12 totaling over the limit for interrogatories.

13           Finally, Plaintiffs object to counsel for Defendants deliberate propounding of  
14 these discovery requests while counsel for Plaintiffs was on vacation and during a  
15 period that counsel had filed a notice of unavailability for and then refusing to agree to  
16 an extension of time specifically to respond to these RFAs despite direct knowledge  
17 that counsel for Plaintiffs was away for several days of the period involved.

18           Discovery is ongoing, and Plaintiffs reserve the right to correct, amend,  
19 supplement or change their answers to this set of discovery as further information is  
20 revealed during the course of discovery.

21

22

**RESPONSES TO DISCOVERY REQUESTS**  
**SET ONE OF DISCOVERY REQUESTS**

**INTERROGATORIES**

1. Identify every person who participated in answering any of these interrogatories and/or requests for production, designating the interrogatory(ies) and/or request(s) for production in which he or she participated in answering.

**ANSWER:** My attorney, Lawrence A. Hildes.

2. State every fact that supports, negates, or relates to your allegations in Paragraph 4.10 of the Complaint that Lieutenant Towne ratified and approved [the] inappropriate, illegal, and tortious conduct and intentional acts of Defendants Hyra, Bales, Roberson, Skommessa, Avery, Greeley, and Martin to deprive Plaintiff Dunn of his rights, identifying each person and document that you believe has information that assists in establishing each such fact..

**ANSWER:** PLAINTIFF objects to this interrogatory as actually constituting 7 interrogatories, which combined with the other interrogatories far exceeds the limit as to interrogatories. Plaintiff will, therefore, answer as to this Defendant alone. Plaintiff answers as follows: Defendant Hyra spoke with Defendants Towne and Martin, who specifically approved his course of illegal conduct. They then observed the illegal conduct by the Officers listed in the interrogatory. In addition, TOWNE then signed off on the reports, knowing they were false, and made the decision to hold Plaintiff Dunn on a felony assault charge and forward that charge to the prosecutor, knowing that Plaintiff Dunn had not assaulted Hyra or anyone else. Thus Plaintiff Dunn was held at

**DUNN V. HYRA**-PLAINTIFF Brendan Dunn's Responses to SET 1 of Discovery Requests from Defendant Towne  
LAWRENCE A. HILDES (WSBA # 35035)  
P.O. Box 5405  
Bellingham, WA 98227  
Telephone: (360) 715-9788  
Fax: (360) 714-1791

ATTORNEY FOR PLAINTIFFS

1 the police station and the jail, without his rights being respected or followed. See the  
 2 reports and Defendant Hyra's answers to interrogatories

3 3. State every fact that supports, negates, or relates to your allegations in Paragraph 4.10 of  
 4 the Complaint that Lieutenant Towne failed to properly supervise, train, and discipline  
 5 Defendants Hyra, Bales, Roberson, Skommessa, Avery, and Greeley as the alleged failure relates  
 6 to Plaintiff Dunn, identifying each person and document that you believe has information that  
 7 assists in establishing each such fact.

8 **ANSWER: PLAINTIFF** objects to this interrogatory as actually constituting 7  
 9 interrogatories, which combined with the other interrogatories far exceeds the limit as  
 10 to interrogatories. Plaintiff will, therefore, answer as to this Defendant alone. Plaintiff  
 11 answers as follows: Defendant Hyra spoke with Defendants Towne and Martin, who  
 12 specifically approved his course of illegal conduct. They then observed the illegal  
 13 conduct by the Officers listed in the interrogatory. In addition, TOWNE then signed off  
 14 on the reports, knowing they were false, and made the decision to hold Plaintiff Dunn  
 15 on a felony assault charge and forward that charge to the prosecutor, knowing that  
 16 Plaintiff Dunn had not assaulted Hyra or anyone else. Thus Plaintiff Dunn was held at  
 17 the police station and the jail, without his rights being respected or followed. See the  
 18 reports and Defendant Hyra's answers to interrogatories. All of this constitutes failure  
 19 to properly supervise. In addition, by approving and ratifying the conduct, Defendant  
 20 Towne trained Defendants to engage in specifically Constitutionally violative conduct.

**DUNN V. HYRA**-PLAINTIFF Brendan Dunn's Responses to SET 1 of Discovery Requests from Defendant  
 Towne  
 LAWRENCE A. HILDES (WSBA # 35035)  
 P.O. Box 5405  
 Bellingham, WA 98227  
 Telephone: (360) 715-9788  
 Fax: (360) 714-1791

ATTORNEY FOR PLAINTIFFS

1 In addition, there is no evidence that any of the Defendants were ever investigated or  
2 disciplined for any aspect of this incident.

3

4 4. In Paragraph 2.24 (page 13, ll. 1-2) of the Complaint, you state These actions  
5 were ratified by supervising Defendants MARTIN, HAYES, and TOWNES. State every fact  
6 that supports, negates, or relates to this allegation as it relates to Lt. Townes actions with  
7 respect to Plaintiff Dunn, identifying each person and document that you believe has  
8 information that assists in establishing each such fact.

9 ANSWER: See response to interrogatory 3 above..

10 5. **State all claims asserted by Plaintiff Dunn against Lt. Towne, and, as to**  
11 **each, set forth each and every fact that supports, negates, or relates to such claim.**

12 ANSWER: Plaintiff answers as follows: Defendant TOWNE approved Hyra's  
13 course of conduct as his supervisor in advance, leading directly to all of the harm  
14 involved. In addition, TOWNE then signed off on the reports, knowing they were false,  
15 and made the decision to hold Plaintiff Dunn on a felony assault charge and forward  
16 that charge to the prosecutor, knowing that Plaintiff Dunn had not assaulted Hyra or  
17 anyone else. Thus Plaintiff Dunn was held at the police station and the jail, without his  
18 rights being respected or followed. Defendant Dunn acted to legitimize and signed off  
19 on Hyra's wrongful seizure of Plaintiff Dunn's flag, unjustified by law, and then the  
20 unlawful arrest of Dunn, which he lied about. In addition, Defendant Towne continued

**DUNN V. HYRA**-PLAINTIFF Brendan Dunn's Responses to SET 1 of Discovery Requests from Defendant  
Towne  
LAWRENCE A. HILDES (WSBA # 35035)  
P.O. Box 5405  
Bellingham, WA 98227  
Telephone: (360) 715-9788  
Fax: (360) 714-1791

ATTORNEY FOR PLAINTIFFS



1 to supervise Defendants' actions in relation to this incident, subsequent to Plaintiffs'  
2 arrests. Therefore, Defendant Towne is liable for the Civil Rights Violations, as well as  
3 all of the Torts, since they directly resulted from his supervision. See Plaintiff's claims,  
4 Defendants reports, and discovery responses of Hyra.

5

6 6. Below you will find requests for production. For each document that is  
7 responsive to the requests for production which you either produced in redacted form or did not  
8 produce at all, identify the document and the basis for the redaction or failure to produce it.

9 **ANSWER:** In addition to the above documents, see the letter from the attorney for the  
10 Seattle Police Department to counsel for Plaintiff's re: the alert code on Plaintiff Dunn.

11 **VI. REQUESTS FOR PRODUCTION**

12 1. Produce any document identified in any of the answers to the preceding interrogatories.

13 **RESPONSE: PLAINTIFF WILL PRODUCE ALL SUCH DOCUMENTS**

14 2. Produce a copy of any document you reviewed in answering any of the preceding  
15 interrogatories and/or preceding or subsequent requests for production irrespective of whether  
16 you obtained any part of your answer or response from that document.

17 **RESPONSE: PLAINTIFF WILL PRODUCE ALL SUCH DOCUMENTS**

18 3. Produce all documents that you contend support, or lend support to, any of your  
19 responses to the above interrogatories.

20 **RESPONSE: PLAINTIFF WILL PRODUCE ALL SUCH DOCUMENTS**

**DUNN V. HYRA**-PLAINTIFF Brendan Dunn's Responses to SET 1 of Discovery Requests from Defendant  
Towne  
LAWRENCE A. HILDES (WSBA # 35035)  
P.O. Box 5405  
Bellingham, WA 98227  
Telephone: (360) 715-9788  
Fax: (360) 714-1791

ATTORNEY FOR PLAINTIFFS

- 1     4.       Produce all documents that you contend support, negate, or relate to the claims asserted  
2     by Plaintiff Dunn against LT. Towne.

3     **RESPONSE: PLAINTIFF WILL PRODUCE ALL SUCH DOCUMENTS**

4

**DUNN V. HYRA**-PLAINTIFF Brendan Dunn's Responses to SET 1 of Discovery Requests from Defendant  
Towne  
LAWRENCE A. HILDES (WSBA # 35035)  
P.O. Box 5405  
Bellingham, WA 98227  
Telephone: (360) 715-9788  
Fax: (360) 714-1791

ATTORNEY FOR PLAINTIFFS

**VERIFICATION TO FOLLOW**

I, Brendan Dunn, certify and declare under penalty of perjury under the laws of the State of Washington and the United States that I am a Plaintiff in this action, and that I have read the answers to the foregoing interrogatories and requests for production and the answers thereto, know the contents thereof, and believe all the answers to be true.

SIGNED at \_\_\_\_\_, \_\_\_\_\_, on this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
Brendan Dunn

**ATTORNEY'S CR 26 CERTIFICATION**

The undersigned attorney certifies, pursuant to Civil Rule 26(g), that he has read each response and objection to these discovery requests, and that, to the best of his knowledge, information, and belief formed after a reasonable inquiry, each is: (1) consistent with the Federal Rules of Civil Procedure and warranted by existing law or a good-faith argument for the extension, modification, or reversal of existing law; (2) not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the costs of litigation; and (3) not unreasonably or unduly burdensome or expensive, given the needs of the case, the discovery already had in the case, the amount in controversy, and the importance of the issues at stake in the litigation.

RESPONSES dated this 26th day of May, 2009 at Bellingham,

Washington.

\_\_\_\_\_  
Lawrence A. Hildes, WSBA #35035

Attorney for Plaintiffs

**DUNN V. HYRA**-PLAINTIFF Brendan Dunn's Responses to SET 1 of Discovery Requests from Defendant Towne  
LAWRENCE A. HILDES (WSBA # 35035)  
P.O. Box 5405  
Bellingham, WA 98227  
Telephone: (360) 715-9788  
Fax: (360) 714-1791

ATTORNEY FOR PLAINTIFFS

**PROOF OF SERVICE**

Lawrence A. Hildes certifies as follows:

I am over the age of 18 years, and not a party to this action. I am a citizen of the United States.

My business address is P.O. Box 5405, Bellingham, WA 98227

On May 26, 2009, I served the following documents(s) described as follows

PLAINTIFF'S RESPONSES TO SET ONE OF DISCOVERY REQUESTS from Defendant  
TOWNE

on the following persons(s) in this action at the following addresses:

HEATHER CARR  
STAFFORD FRYE COOPER  
601 Union Street, Suite 3100  
Seattle WA 98101.1374

☒ (BY FIRST CLASS MAIL) by placing a true copy of the above documents in a sealed envelope with postage fully prepaid in the mail at Bellingham, WA, addressed to the person(s) above at the above address

☐ By electronically serving, by filing an electronic copy with the court in such a way that notice will be sent to counsel for Defendant

☒ (FEDERAL) I declare under penalty of perjury that I am a member of the BAR of this court, and that the above information is true and correct.

Executed on May 26, 2009, at Bellingham, Washington.

  
LAWRENCE A. HILDES

# EXHIBIT 8

THE HONORABLE JAMES L. ROBART

RECEIVED

MAY 28 2009

STAFFORD FREY COOPER

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON

BRENDAN DUNN, JACOB ERWIN,	) NO. 2:08-cv-00978JLR
and RYAN TOMPKINS,	) PLAINTIFF JACOB ERWIN'S
	) RESPONSES TO SET ONE OF
Plaintiffs,	) DISCOVERY REQUESTS FROM
	) DEFENDANT TOWNE
v.	)
	)
MATTHEW HYRA, CITY OF	)
SEATTLE (SPD), et al.,	)
	)
Defendants.	)
_____	)

PROPOUNDING PARTY: DEFENDANT TOWNE

RESPONDING PARTY: PLAINTIFF JACOB ERWIN

SET NO.: 1

**COMES NOW** PLAINTIFF JACOB ERWIN, IN THE ABOVE-NAMED ACTION,  
THROUGH HIS ATTORNEY LAWRENCE A. HILDES, AND, RESPONDS TO  
DEFENDANT TOWNE'S SET ONE OF DISCOVERY REQUESTS AS FOLLOWS:

**DUNN V. HYRA**-PLAINTIFF JACOB ERWIN's Responses to SET 1 of Discovery Requests from Defendant  
Towne  
LAWRENCE A. HILDES (WSBA # 35035)  
P.O. Box 5405  
Bellingham, WA 98227  
Telephone: (360) 715-9788  
Fax: (360) 714-1791

ATTORNEY FOR PLAINTIFFS

1           Plaintiffs object to the extent that Defendants have exceeded the limits for this  
2   type of discovery, or have used subparts and definitions to facilitate exceeding the  
3   limits by propounding the extreme number of 84 Requests for Admissions of this  
4   Plaintiff and even far more extreme numbers as to the other Plaintiffs and by piling  
5   massive and ridiculous numbers of sets of discovery requests and requests within  
6   those sets in order to render it impossible for Plaintiffs to fully respond .

7           Plaintiffs object to Defendants' use of discovery to vex, annoy, and abuse the  
8   legal process rather than for legitimate discovery purposes. Here, Defendants ask  
9   questions where the answers are either already contained in the document or require  
10   legal conclusions that themselves require advanced legal training. In many of these  
11   sets, Defendants have propounded interrogatories that included extensive subparts,  
12   totaling over the limit for interrogatories.

13           Finally, Plaintiffs object to counsel for Defendants deliberate propounding of  
14   these discovery requests while counsel for Plaintiffs was on vacation and during a  
15   period that counsel had filed a notice of unavailability for and then refusing to agree to  
16   an extension of time specifically to respond to these RFAs despite direct knowledge  
17   that counsel for Plaintiffs was away for several days of the period involved.

18           Discovery is ongoing, and Plaintiffs reserve the right to correct, amend,  
19   supplement or change their answers to this set of discovery as further information is  
20   revealed during the course of discovery.

21  
22

**RESPONSES TO DISCOVERY REQUESTS**  
**SET ONE OF DISCOVERY REQUESTS**

**INTERROGATORIES**

1. Identify every person who participated in answering any of these interrogatories and/or requests for production, designating the interrogatory(ies) and/or request(s) for production in which he or she participated in answering.

**ANSWER:** My attorney, Lawrence A. Hildes.

2. State every fact that supports, negates, or relates to your allegations in Paragraph 4.10 of the Complaint that Lieutenant Towne ratified and approved [the] inappropriate, illegal, and tortious conduct and intentional acts of Defendants Hyra, Bales, Roberson, Skommessa, Avery, Greeley, and Martin to deprive Plaintiff ERWIN of his rights, identifying each person and document that you believe has information that assists in establishing each such fact..

**ANSWER:** PLAINTIFF objects to this interrogatory as actually constituting 7 interrogatories, which combined with the other interrogatories far exceeds the limit as to interrogatories. Plaintiff will, therefore, answer as to this Defendant alone. Plaintiff answers as follows: Defendant Hyra spoke with Defendants Towne and Martin, who specifically approved his course of illegal conduct. They then observed the illegal conduct by the Officers listed in the interrogatory. In addition, TOWNE then signed off on the reports, knowing they were false, and made the decision to hold Plaintiff ERWIN on a felony assault charge and forward that charge to the prosecutor, knowing that Plaintiff ERWIN had not assaulted Hyra or anyone else. Thus Plaintiff ERWIN

**DUNN V. HYRA**-PLAINTIFF JACOB ERWIN's Responses to SET 1 of Discovery Requests from Defendant  
Towne  
LAWRENCE A. HILDES (WSBA # 35035)  
P.O. Box 5405  
Bellingham, WA 98227  
Telephone: (360) 715-9788  
Fax: (360) 714-1791

ATTORNEY FOR PLAINTIFFS



1 was held at the police station and the jail, without his rights being respected or  
 2 followed. See the reports and Defendant Hyra's answers to interrogatories

3 3. State every fact that supports, negates, or relates to your allegations in Paragraph 4.10 of  
 4 the Complaint that Lieutenant Towne failed to properly supervise, train, and discipline  
 5 Defendants Hyra, Bales, Roberson, Skommesa, Avery, and Greeley as the alleged failure relates  
 6 to Plaintiff ERWIN, identifying each person and document that you believe has information  
 7 that assists in establishing each such fact.

8 **ANSWER: PLAINTIFF** objects to this interrogatory as actually constituting 7  
 9 interrogatories, which combined with the other interrogatories far exceeds the limit as  
 10 to interrogatories. Plaintiff will, therefore, answer as to this Defendant alone. Plaintiff  
 11 answers as follows: Defendant Hyra spoke with Defendants Towne and Martin, who  
 12 specifically approved his course of illegal conduct. They then observed the illegal  
 13 conduct by the Officers listed in the interrogatory. In addition, TOWNE then signed off  
 14 on the reports, knowing they were false, and made the decision to hold Plaintiff  
 15 ERWIN on a felony assault charge and forward that charge to the prosecutor, knowing  
 16 that Plaintiff ERWIN had not assaulted Hyra or anyone else. Thus Plaintiff ERWIN  
 17 was held at the police station and the jail, without his rights being respected or  
 18 followed. See the reports and Defendant Hyra's answers to interrogatories. All of this  
 19 constitutes failure to properly supervise. In addition, by approving and ratifying the  
 20 conduct, Defendant Towne trained Defendants to engage in specifically

1 Constitutionally violative conduct. In addition, there is no evidence that any of the  
2 Defendants were ever investigated or disciplined for any aspect of this incident.

3  
4 4. In Paragraph 2.24 (page 13, ll. 1-2) of the Complaint, you state These actions  
5 were ratified by supervising Defendants MARTIN, HAYES, and TOWNES. State every fact  
6 that supports, negates, or relates to this allegation as it relates to Lt. Townes actions with  
7 respect to Plaintiff ERWIN, identifying each person and document that you believe has  
8 information that assists in establishing each such fact.

9 ANSWER: See response to interrogatory 3 above..

10 5. **State all claims asserted by Plaintiff ERWIN against Lt. Towne, and, as to**  
11 **each, set forth each and every fact that supports, negates, or relates to such claim.**

12 ANSWER: Plaintiff answers as follows: Defendant TOWNE approved Hyra's  
13 course of conduct as his supervisor in advance, leading directly to all of the harm  
14 involved. In addition, TOWNE then signed off on the reports, knowing they were false,  
15 and made the decision to hold Plaintiff ERWIN on an obstruction charge and forward  
16 that charge to the prosecutor, knowing that Plaintiff ERWIN had not obstructed Hyra  
17 or anyone else. Thus Plaintiff ERWIN was held at the police station and the jail,  
18 without his rights being respected or followed. Defendant Towne acted to legitimize  
19 and signed off on Hyra's wrongful seizure of Plaintiff Dunn's flag, unjustified by law,  
20 and then the unlawful arrest of ERWIN, which he lied about. In addition, Defendant

**DUNN V. HYRA**-PLAINTIFF JACOB ERWIN's Responses to SET 1 of Discovery Requests from Defendant  
Towne  
LAWRENCE A. HILDES (WSBA # 35035)  
P.O. Box 5405  
Bellingham, WA 98227  
Telephone: (360) 715-9788  
Fax: (360) 714-1791

ATTORNEY FOR PLAINTIFFS

1 Towne continued to supervise Defendants' actions in relation to this incident,  
2 subsequent to Plaintiffs' arrests. Therefore, Defendant Towne is liable for the Civil  
3 Rights Violations, as well as all of the Torts, since they directly resulted from his  
4 supervision. See Plaintiff's claims, Defendants reports, and discovery responses of  
5 Hyra.

6  
7 6. Below you will find requests for production. For each document that is  
8 responsive to the requests for production which you either produced in redacted form or did not  
9 produce at all, identify the document and the basis for the redaction or failure to produce it.

10 **ANSWER:** In addition to the above documents, see the letter from the attorney for the  
11 Seattle Police Department to counsel for Plaintiff's re: the alert code on Plaintiff Dunn.

12 **VI. REQUESTS FOR PRODUCTION**

13 1. Produce any document identified in any of the answers to the preceding interrogatories.

14 **RESPONSE: PLAINTIFF WILL PRODUCE ALL SUCH DOCUMENTS**

15 2. Produce a copy of any document you reviewed in answering any of the preceding  
16 interrogatories and/or preceding or subsequent requests for production irrespective of whether  
17 you obtained any part of your answer or response from that document.

18 **RESPONSE: PLAINTIFF WILL PRODUCE ALL SUCH DOCUMENTS**

19 3. Produce all documents that you contend support, or lend support to, any of your  
20 responses to the above interrogatories.

21 **RESPONSE: PLAINTIFF WILL PRODUCE ALL SUCH DOCUMENTS**

**DUNN V. HYRA**-PLAINTIFF JACOB ERWIN's Responses to SET 1 of Discovery Requests from Defendant  
Towne  
LAWRENCE A. HILDES (WSBA # 35035)  
P.O. Box 5405  
Bellingham, WA 98227  
Telephone: (360) 715-9788  
Fax: (360) 714-1791

ATTORNEY FOR PLAINTIFFS

- 1 4. Produce all documents that you contend support, negate, or relate to the claims asserted  
2 by Plaintiff ERWIN against LT. Towne.

3 **RESPONSE: PLAINTIFF WILL PRODUCE ALL SUCH DOCUMENTS**

4

**DUNN V. HYRA**-PLAINTIFF JACOB ERWIN's Responses to SET 1 of Discovery Requests from Defendant  
Towne  
LAWRENCE A. HILDES (WSBA # 35035)  
P.O. Box 5405  
Bellingham, WA 98227  
Telephone: (360) 715-9788  
Fax: (360) 714-1791

ATTORNEY FOR PLAINTIFFS

**VERIFICATION TO FOLLOW**

I, JACOB ERWIN, certify and declare under penalty of perjury under the laws of the State of Washington and the United States that I am a Plaintiff in this action, and that I have read the answers to the foregoing interrogatories and requests for production and the answers thereto, know the contents thereof, and believe all the answers to be true.

SIGNED at \_\_\_\_\_, \_\_\_\_\_, on this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

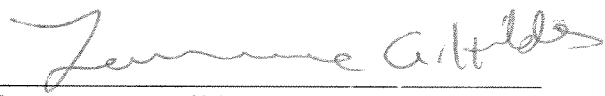
\_\_\_\_\_  
JACOB ERWIN

**ATTORNEY'S CR 26 CERTIFICATION**

The undersigned attorney certifies, pursuant to Civil Rule 26(g), that he has read each response and objection to these discovery requests, and that, to the best of his knowledge, information, and belief formed after a reasonable inquiry, each is: (1) consistent with the Federal Rules of Civil Procedure and warranted by existing law or a good-faith argument for the extension, modification, or reversal of existing law; (2) not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the costs of litigation; and (3) not unreasonably or unduly burdensome or expensive, given the needs of the case, the discovery already had in the case, the amount in controversy, and the importance of the issues at stake in the litigation.

RESPONSES dated this \_\_\_\_\_ day of \_\_\_\_\_, 2009 at \_\_\_\_\_,

Washington.

  
\_\_\_\_\_  
Lawrence A. Hildes, WSBA #35035  
Attorney for Plaintiffs

**DUNN V. HYRA**-PLAINTIFF JACOB ERWIN's Responses to SET 1 of Discovery Requests from Defendant

Towne  
LAWRENCE A. HILDES (WSBA # 35035)  
P.O. Box 5405  
Bellingham, WA 98227  
Telephone: (360) 715-9788  
Fax: (360) 714-1791

ATTORNEY FOR PLAINTIFFS

**PROOF OF SERVICE**

Lawrence A. Hildes certifies as follows:

I am over the age of 18 years, and not a party to this action. I am a citizen of the United States.

My business address is P.O. Box 5405, Bellingham, WA 98227

On May 26, 2009, I served the following documents(s) described as follows

PLAINTIFF'S RESPONSES TO SET ONE OF DISCOVERY REQUESTSs from Defendant  
TOWNE  
on the following persons(s) in this action at the following addresses:

HEATHER CARR  
STAFFORD FRYE COOPER  
601 Union Street, Suite 3100  
Seattle WA 98101.1374

☒ (BY FIRST CLASS MAIL) by placing a true copy of the above documents in a sealed envelope with postage fully prepaid in the mail at Bellingham, WA, addressed to the person(s) above at the above address

☐ By electronically serving, by filing an electronic copy with the court in such a way that notice will be sent to counsel for Defendant

☒ (FEDERAL) I declare under penalty of perjury that I am a member of the BAR of this court, and that the above information is true and correct.

Executed on May 26, 2009, at Bellingham, Washington.

  
LAWRENCE A. HILDES

**DUNN V. HYRA**-PLAINTIFF JACOB ERWIN's Responses to SET 1 of Discovery Requests from Defendant  
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